

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE DIAMOND FOODS, INC.,  
SECURITIES LITIGATION

No. C 11-05386 WHA

This Document Relates to:  
All Actions.

**ORDER GRANTING  
MOTION TO RELATE CASES**

The Securities and Exchange Commission has filed a motion to relate two of its cases — *Securities and Exchange Commission v. Steven Neil*, C 14-00122, and *Securities and Exchange Commission v. Diamond Foods, Inc.*, C 14-00123 — to this case. Civil Local Rule 3-12(a) states that an action is related to another when (1) the actions concern substantially the same parties, property, transaction or event; and (2) it appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different judges.


Steven Neil, defendant in one of the SEC cases above, has responded to the motion, stating that he “does not object to this Court taking the SEC’s complaint against him as a related case and would be pleased to continue to appear before this Court” (Dkt. No. 314). Nonetheless, he submits that Rule 3-12(a) does not *require* relation here, “[g]iven that the Court is unlikely to see a Motion to Dismiss in the case brought by the SEC against [him] — which would not be based on the same arguments as such motion in the [present case] in any event . . . .” As a result,

1 there would minimal risk of “unduly burdensome duplication,” at least in Mr. Neil’s view,  
2 especially as the present case has already settled.

3 The order disagrees. While Mr. Neil represents that it is “unlikely” to see a motion to  
4 dismiss or even conflicting results with this case, this is not a guarantee. Furthermore, as  
5 conceded by Mr. Neil, the two SEC cases involve substantially the same events alleged in this  
6 case. The motion to relate is thus **GRANTED**.

7  
8 **IT IS SO ORDERED.**

9  
10 Dated: January 15, 2014.

  
\_\_\_\_\_  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE